



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/618,956

07/19/2000

Edgar Allan Tu

FUSN1-0110US0

2142

28554

7590

04/27/2010

Vierra Magen Marcus & DeNiro LLP
575 Market Street, Suite 2500
San Francisco, CA 94105

EXAMINER

COULTER, KENNETH R

ART UNIT

PAPER NUMBER

2454

MAIL DATE

DELIVERY MODE

04/27/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/618,956	Applicant(s) TU ET AL.	
	Examiner Kenneth R. Coulter	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 12 March 2010 (RCE filed).

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-18 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-9 and 12-18 is/are rejected.

7) ☒ Claim(s) 10 and 11 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 9 and 12 – 18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bastian (U.S. Pat. No. 6,757,712) (Communications Systems for Aircraft).

2.1 Regarding claim 1, Bastian discloses a method for remotely accessing a base computer from internet-enabled remote devices, the method comprising in combination:

establishing a remote access session with one of the remote devices at an internet central server system, wherein the remote devices include open application standard remote access software to establish the remote access session (*a conventional world wide web browser* (see p. 6, paragraph 1 of the specification)), but do not include proprietary remote access server software or proprietary remote control system software (Abstract; Fig. 1; Abstract “browsed by passengers”; col. 3, lines 28 – 30 “browsing”; col. 5, lines 61 – 67 “passenger browser”);

presenting a task list (Abstract; Fig. 1) to the remote device from said central server system (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 – 41);

receiving a task selection at said central server system from the remote device (Abstract; Figs. 1, 3; col. 8, lines 10 – 41);

establishing a persistent connection between said central server system and a base computer in response to intermittent contact from said base computer to said central server system (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 7, lines 51 – 67 “The server determines the appropriate time to initiate a data exchange with station 90. This can be when sufficient data is awaiting transmission from server 20, ... **or when station 90 signals to server 20 via communications service provider network 80 and radio 60.**” (see below);

transmitting said task from said central server system to the base computer via said connection between said central server system and said base computer (Abstract; Figs. 1, 3; col. 7, lines 51 – 67; col. 8, lines 10 – 41);

receiving at said central server system task data from the base computer responsive to said transmitted task (Abstract; Figs. 1, 3; col. 7, lines 51 – 67; col. 3, lines 4 – 23; col. 8, lines 10 – 41); and

presenting from said central server system a task response compiled from said task data to the remote device (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 10 – 41).

Art Unit: 2454

Col. 7, lines 51 – 67 of Bastian

Thus electronic mail sent from terminal 40a on board the aircraft is first forwarded to server 20 where it is stored. The server determines the appropriate time to initiate a data exchange with station 90. This can be when sufficient data is awaiting transmission from server 20, or when the time since the last exchange exceeds a time limit (15 minutes), or when station 90 signals to server 20 via communications service provider network 80 and radio 60. Any e-mail messages stored on server 20 since the previous connection was made are then transmitted to station 90. Station 90 forwards the or each e-mail message on to their eventual destinations Mail servers 195.

In one embodiment, station 90 signals server 20 with a trigger signal which indicates that data in the form of e-mail messages is stored by the station and awaits retrieval. The server then signals the base station to retrieve this data, which is then transmitted to the server.

Col. 3, lines 4 – 23 of Bastian

Preferably, the base station stores electronic data to be transmitted from the base station to the server, and the server stores electronic data to be transmitted from the server to the base station, **the server and base station communicating with each other intermittently**.

In a preferred form, **the server includes a database of information, the database being updated periodically by transmission of electronic data from the base station to the server**. More preferably, the server allows the terminals to access the database. Even more preferably, the terminals access the database with a web browser.

Preferably also, the server communicates with that base station which is nearest to the aircraft. More preferably, the server determines which of the base stations is nearest by determining the current location of the aircraft. More preferably, the server communicates with one only of the base stations. Alternatively, the server communicates with selectively with more than one of the base stations, the selection being made on the basis of the available remaining capacity of the respective base stations.

Col. 8, lines 10 – 41 of Bastian

The general procedure for obtaining e-mail messages from the Internet service providers or corporate accounts of the various passengers is similar to the procedure for sending e-mail messages from the various terminals 40a, 40b, 40c on the aircraft. Once a passenger connects a PC to aircraft network 50 and then connects to server 20, the passenger initiates e-mail retrieval. Server 20 accepts the request for e-mail and collects the passenger Mail server address, user id and password. If necessary, a corporate subscriber can activate previously setup firewall services, and provide additional username and password information. This information is passed to base station 90 via radio 60 and communications service provider networks 80. **Base station 90 contacts ISPs/corporate servers 110a,b,c and collects any e-mail for the passengers using their user IDs and passwords.** Base station 90 continues to collect e-mail from ISPs/corporate servers 110a,b,c for the duration of the flight that the passengers are on. When a connection is established between server 20 on board the aircraft and station 90, that stored e-mail message or messages are transmitted from station 90 to server 20. This procedure is usually simultaneous with the transmission of e-mail messages in the other direction from server 20 to station 90.

Once e-mail messages have been received at server 20, they are retrieved by the respective passenger's computer terminals, 40a and 40b via the aircraft network 50 when the passenger subsequently connects to server 20 and retrieves mail.

The system includes a single base station. However, in other embodiments, such as that illustrated in FIG. 5, the system includes a number of base stations located at spaced apart locations on the surface of the planet.

2.2 Per claim 2, Bastian teaches the method of claim 1 further comprising terminating said remote access session by said central server system (col. 5, lines 44 – 51 “after exchange has been completed, the connection is **terminated**.”).

2.3 Regarding claim 3, Bastian discloses the method of claim 2 further comprising communicating said task response via a protocol compatible with the remote device (col. 5, lines 18 – 23; col. 12, lines 1 – 8).

2.4 Per claim 4, Bastian teaches the method of claim 3 wherein said protocol is TCP/IP for remote devices configured as computers (col. 9, lines 13 – 31 “**TCP/IP** traffic”; col. 19, lines 21 – 28; col. 5, lines 18 – 23; col. 12, lines 1 – 8).

2.5 Regarding claim 5, Bastian discloses the method of claim 3 wherein said protocol is WAP for remote devices configured as wireless communication devices (Abstract “The computer terminals are **laptop or palm-top** personal computers belonging to the various passengers on board ...”; col. 5, lines 18 – 23; col. 12, lines 1 – 8).

2.6 Per claim 6, Bastian teaches the method of claim 1 further comprising authenticating the user of the remote device while establishing the remote access session (col. 2, lines 54 – 61; col. 14, lines 19 – 30).

2.7 Regarding claim 7, Bastian discloses the method of claim 6 further comprising providing a secure communication means while establishing the remote access session and continuing said secure communication between said central server system and the remote device until said session is terminated (col. 14, lines 19 – 30).

2.8 Per claim 8, Bastian teaches the method of claim 7 further comprising encrypting the communications between said central server and the base computer (col. 14, lines 19 – 30).

2.9 Regarding claim 9, Bastian discloses the method of claim 8 further comprising establishing a communication link between the base computer and the central server system when the base computer is not already connected to the internet (Abstract; Figs. 1, 3; col. 3, lines 4 – 23; col. 8, lines 1 – 3).

2.10 Regarding claims 12 – 18, the rejection of claims 1 – 9 under 35 USC 102(e) (paragraphs 2.1 – 2.9 above) applies fully.

Allowable Subject Matter

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 3/12/10 have been fully considered but they are not persuasive.

Applicant's arguments are addressed in the modified rejection of claims 1 – 18 above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/
Primary Examiner, Art Unit 2454

/KRC/